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October 6, 2018

Magistrate Judge Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Reyes v. Crystal Farms Refrigerated Distribution Company
1:18-cv-02250-NGG-RML

Dear Magistrate Judge Levy:

This office represents the plaintiff in the above action. This letter is in response to the minute entry of October 5, 2018, wherein your Honor noted that counsel for the parties did not appear and inquired as to discovery.

On behalf of plaintiff and defendant, the undersigned apologizes for not appearing in accordance with the Court's calendar. It was the impression of the parties that the September 19, 2018 conference before District Judge Garaufis replaced and superseded the October 5, 2018 conference. At the September 19, 2018 conference, filing dates for the amended complaint and briefing schedule were set. It was the understanding of the parties that discovery would be stayed pending defendant's scheduled Rule 12 motion.

Nevertheless, this was not communicated to your Honor. This was my oversight and I assure the Court this will not happen again. The parties are available for an initial conference at the Court's convenience. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on October 6, 2018, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

August Horvath

☒ CM/ECF

☐ First-Class Mail

/s/ Spencer Sheehan

Spencer Sheehan